

GOVERNMENT OF ANDHRA PRADESH
A B S T R A C T

Public Services – A.P.Port Department – Allegation of assets disproportionate to the known sources of income against Sri A.Gopinath, Executive Engineer (Marine), Kakinada – Disciplinary action initiated – WSD submitted - Awarding a punishment of “Censure” – Orders - Issued.

INFRASTRUCTURE & INVESTMENT (P.II) DEPARTMENT

G.O.Rt.No. 294

Dated:31-12-2013.

Read the following:-

1. Govt.Memo.No.478/P.II/2012-1, I&I Dept., dated 25-09-2012
2. From Sri A.Gopinath, Executive Engineer (M), Kakinada, Letter dt. 08-10-2012
3. From the Director of Ports, Kakinda, Letter.No.DoP/B1/1530/2012, dt.25-10-2012.
4. Govt Memo.No.478/P.II/2010-2, I&I Dept., dated 03-11-2012
5. From the Dir of Ports, Kakinada Letter.No.DoP/B1/1530/2012, Dt.05-11-2012
6. Govt Memo.No.478/P.II/2012, I&I Dept., dated 16-01-2013.
7. From the Dir of Ports, Kakinada Letter No.DoP/B1/1530/2012, Dt.31-01-2013.

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It has been brought to the notice of the Government that Sri A.Gopinath, Executive Engineer (Marine), Kakinada has acquired assets disproportionate to his known sources of legal income by indulging in corrupt practices. A case in Cr.No.13/RCE-NLR/2009/ u/s 13(2) read with 13(1)(e) of PC Act, 1988 of ACB, Nellore Range, Nellore was registered initially on 22-07-2009. After a detailed enquiry, the case of disproportionate assets is not established. The Director General, Anti Corruption Bureau in the Final Report has been recommended to initiate Departmental action against Sri A.Gopinath, Executive Engineer (Marine), Kakinada for violation of Rule 9(1) read with 3(1)(2) of APCS (CCA) Conduct Rules, 1964.

2. Accordingly, the following Articles of Charges were framed against the Charged Officer duly calling his Written Statement of Defence through proper channel vide reference first read above.

- i) Disposal of ancestral property of 3 houses and 2 houses at Pakala of Chittoor District for consideration of Rs.6,30,000/- and Rs.4,68,000/-and executed sale documents in favour of claims on 8-9-2005 without prior intimation/permission from the competent authority.
- ii) Got the sale consideration of Rs.60,000/- on unregistered vacant plot No.511, SVL Nagar, Yerukunaidu Palem, Sabbavaram Mandal sold to Smt. K. Krishnaveni, Visakhapatnam.
- iii) Received (5) gifts from father, brother and paternal uncle of A.O's wife totaling Rs.3.85 lakhs without prior intimation/permission.

3. The Charged Officer has submitted his written statement of defence vide reference 2nd read above in which he has stated that in respect of item no.(i) his elder brother have succeeded to the said property along with certain other items after the demise of his father. Subsequently, the said properties were under the management of his brother who settled in Nellore District. On that, he and his brother had entered into an understanding where under the items of properties referred to in item no (i) fell to the share of the A.O and since the properties were in Chittoor District, his brother used to look after his properties. At that time, he took the permission for construction of house at Nellore at an estimated cost of Rs.20.00 Lakhs and that the amount was made by disposing of his ancestral property and the sale consideration received was spent on the construction of the house. The same was duly intimated to the Department in his APRS for the year ending 31-12-2005.

(P.t.o)

4. The Charged Officer has submitted in respect to item no.(ii) that he has intimated to the Commissioner of Ports about the transfer of right of the house-site in favour of Smt K.Krishnaveni vide his letter dated 06-05-2004 and thereupon, the transaction was also informed in the APRS for the year ending 2004. In respect to item no.(iii), the Charged Officer has stated that the amounts were received by his wife from her father, paternal uncle and her brother and that the receipt of which cannot constitute a transaction which attracts the APCS Conduct Rules. However he had brought to the notice of the Director of Ports about the receipt of (3) three gift amounts while seeking permission for purchase of house plot utilizing the gift amounts and the Department had also accorded permission for purchase of house site in his wife's name from the financial sources mentioned by him and the same was duly intimated to the Department in the APRS for the year ending 31-12-2005. Further, the A.O has stated that he had no intention of screening away of any information from the knowledge of the competent authority and looking at his conduct and he has not violated the said conduct rules and always exhibited integrity and devotion to duty and hence he has requested to drop further action on the charges.

5. The Director of Ports, Kakinada in the reference 7th read above, in his specific remarks on the written statement of defence of the A.O has requested he Government to drop further action in the matter.

6. After detailed examination of the explanation submitted by the A.O., the Department has come to the view that the main charge against the Charged Officer is that he sold his ancestral properties without taking prior permission from the Government and accepted gifts in the mane of his wife without prior intimation/permission from the competent authority. The Accused Officer has submitted his explanation that the ancestral property is located in Chittor District and looked after by his brother which was disposed of as the amount was urgently required by him and could not take prior permission from the competent authority and that he had no malafide intention. However, he had informed the competent authority about the transaction. Regarding receipt of gifts in his wife's name he has explained that none of them are related or concerned with his official duties. However, he had brought to the notice of the Director of Ports, Kakinada about the receipt of gift amounts. Though the individual had no malafide intention in having failed to take prior permission from the competent authority, it is an established fact that he has violated the Conduct Rules and the Director General in his final report has recommended for Departmental action against him for violation of Rule 9(1) read with 3(1)(2) of APCS (CCA) Conduct Rules, 1964 and hence, it has been decided to award a punishment of "Censure" to the Charged officer.

7. Accordingly, Government hereby order for awarding a punishment of "Censure" to the Charged Officer, viz, Sri A.Gopinath, Executive Engineer (Marine), Kakinada, East Godavari District, for the charge of non-obtaining prior permission from the Government for acquisition/disposal of assets.

8. The Director of Ports, Kakinada shall take necessary further action, in the matter.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

M.T.KRISHNA BABU
SECRETARY TO GOVERNMENT

To
Sri A.Gopinath, Executive Engineer (Marine), Kakinada through the Director of Ports,
Kakinada.

The Director of Ports, Kakinada

Copy to

The Director General, Anti Corruption Bureau, Hyderabad (13/RCE-NLR/2009)

The Secretary, APVC, Hyderabad (4508/VC.H2/2010)

SF/SC's

// FORWARDED :: BY ORDER //

SECTION OFFICER